

ALLTEL CORPORATION

601 Pennsylvania Avenue, N.W.  
Suite 720  
Washington, DC 20004  
202-783-3970  
202-783-3982 fax



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August 6, 2001

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**AUG 6 2001**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Petition of Citizens Communications for Waiver of Section 52.33(a) of the  
Commission's Rules. CC Docket No. 95-116.

Comments of ALLTEL Communications, Inc.

Dear Ms. Salas,

Enclosed for filing by ALLTEL Communications Inc. are an original and four  
copies of its Comments in the Matter of Petition of Citizens Communication for Waiver  
of Section 52.33(a) of the Commission's Rules referenced above. Should there be any  
questions regarding this matter, please contact the undersigned counsel.

Sincerely,

David C. Bartlett  
ALLTEL Corporation  
601 Pennsylvania Avenue, NW  
Suite 720  
Washington, D.C. 20004  
(202) 783-3970

Enclosures

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of )  
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Petition of Citizens Communications for ) CC Docket No. 95-116  
Waiver of Section 52.33(a) of the )  
Commission's Rules )

**COMMENTS**  
**OF**  
**ALLTEL COMMUNICATIONS, INC.**

ALLTEL Communications, Inc., on behalf of its local exchange carrier affiliates (hereinafter "ALLTEL" or the "ALLTEL Companies") respectfully submits these comments to the Federal Communications Commission (the "Commission") in support of Citizens Communication's ("Citizens") June 26, 2001 Petition for Waiver of Section 52.33(a) of the Commission's Rules. Citizens seeks this waiver to allow it a reasonable opportunity to recover local number portability (LNP) costs imposed by FCC rules.

ALLTEL supports Citizens' petition because the waiver will allow rural companies the opportunity to recover costs that can be used to improve network integrity and deploy advanced services. The subject of LNP recovery has been long pending before the Commission. Further inactivity in this matter will continue to burden rural and small carriers and negatively impact their end user customers.

In July of 1998, NECA initiated a proceeding to determine how small rate of return incumbent local exchange carriers (ILECs) without LNP-capable switches should

recover their LNP-related costs.<sup>1</sup> On March 19, 1999, NECA and other Telephone Associations (“Telephone Associations”) requested waiver of section 52.33(a) of the Commission’s Rules.<sup>2</sup>

All ILECs incur costs associated with the implementation of LNP, even ILECs that are not obligated to provide LNP in certain service areas. These cost contributions support the operation of regional Number Portable Administration Centers (NPACs). However, LECs serving non-LNP capable exchanges have no means of recovering these costs incurred before permanent LNP is implemented.

Section 52.33(a) permits ILECS who provide LNP to recover their carrier specific LNP costs through federally-tariffed monthly end-user charges. However, the charge may only be passed through to the end user in areas where the ILEC has implemented LNP. ILECs that have not yet implemented LNP in their service area because they are not yet required to do so, cannot recover their LNP costs through a monthly end-user charge.

Citizens, a price-cap ILEC, requests waiver of Section 52.33(a) to recover its mandatory NPAC contributions and query-service charges through a LNP Query Surcharge assessed on its end users in exchanges that do not already have permanent LNP. Once LNP is implemented in the exchanges that do not currently have it, Citizens intends to recover the remaining carrier-specific costs through a LNP Service Surcharge assessed on end users. ALLTEL supports this waiver petition because it allows for

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<sup>1</sup> CC Docket 95-116, NECA Expedited Petition for Reconsideration (filed July 29, 1998)(“NECA Petition”).

<sup>2</sup> Joint Petition of the National Exchange Carrier Association, Inc. (NECA), National Rural Telecom Association (NRTA), National Telephone Cooperative Association (NTCA), Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), and United States Telephone Association (USTA) for Expedited Interim Waiver of Section 52.33(a) of the Commission’s Rules. (“Telephone Associations Petition”).

reasonable recover of LNP associated costs while providing end user customers in non-LNP-capable exchanges the ability to place calls to end users located in exchanges in which LNP has been implemented.

Both Citizens and the ALLTEL Companies largely serve rural exchanges that are less likely to be the subject of requests for permanent LNP in the near future. ALLTEL agrees with Citizens that without this waiver, rural carriers would have to implement permanent LNP in rural exchanges just to recover LNP costs. This would be inefficient because end users would bear the total costs of permanent LNP implementation before they were able to fully benefit from the service. Citizens' proposal allows affected carriers a reasonable opportunity to recover costs (Query Surcharge) while delaying the costs of permanent LNP Service Surcharges until such a service is economically viable in a specific exchange. As stated in Citizens' petition, this waiver will ensure that end-users pay only the minimum amount necessary until permanent LNP is implemented in their exchange. Otherwise, resources that could be better utilized improving service quality and deploying advanced services will have to be focused on implementing permanent LNP where customers cannot take full advantage of its benefits.

ALLTEL also supports NECA and other Telephone Associations March 19, 1999 joint petition for waiver of Section 52.33(a). The Telephone Associations requested a waiver to recover the same costs raised by the Citizens petition. However, the Telephone Associations' petition requested a waiver of 52.33(a) in order to allow non-LNP capable ILECs recovery of LNP costs through traffic sensitive access charges. In their petition, the Telephone Associations state that traffic sensitive access charge assessments provide a reasonable opportunity for non-LNP-providing ILECs to recover their LNP costs while

satisfying the Commission's belief that "recovery from end users should be designed so that end users generally receive the charges only when and where they are reasonable able to begin receiving the direct benefits of long-term number portability."<sup>3</sup> Citizens, being a price-cap ILEC, is limited in its ability to recover these charges through interstate access charges following the adoption of the CALLS plan. ALLTEL, being a rate-of-return carrier, is not yet subject to similar limitations. Therefore, ALLTEL would prefer recovery by means of traffic sensitive access charges.

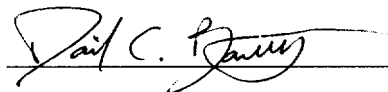
Both Citizens' and the Telephone Associations' petitions for waiver stress that their respective means of cost recovery will not unfairly burden competition. Both petitions seek fair cost recovery for non-LNP-providing ILECs in order to maintain network integrity and stimulate advanced services growth. It is ALLTEL's belief that the ability to recover LNP expenses is no less important for rate of return carriers than it is for price-cap carriers. Therefore, the Commission is urged to make a prompt decision on the LNP cost recovery issue. Further delay places an unnecessary burden on competition and applies avoidable pressure on rural local exchange carriers.

August 6, 2001

Respectfully submitted,

**ALLTEL Communications Inc.**

By:



David C. Bartlett  
Its Attorney  
601 Pennsylvania Ave, NW  
Suite 720  
Washington, D.C. 20004  
(202) 783-3970

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<sup>3</sup> Telephone Number Portability, CC Docket No. 95-116, Third Report and Order, 13 FCC Rcd 11701 (1998) at par. 142.